



4. This Notice of Removal is timely as it is filed within thirty days of Defendants' receipt of the Summons and Complaint on Defendants. 28 U.S.C. § 1446(b); See, Exhibits B and C.

5. Other than the filing of the Complaint, no proceedings have taken place in this matter. Defendants remove this action to the United States District Court for the Middle District of Tennessee, Nashville Division pursuant to the provisions of 28 U.S.C. § 1441 on the grounds that this Court has jurisdiction pursuant to 28 U.S.C. § 1332.

6. Plaintiff is identified in the Complaint as a Florida limited liability company with a principal place of business at 1314 East Las Olas Blvd., Suite 1111, Fort Lauderdale, Florida, 33301. See, Exhibit A.

7. Upon information and belief, Ortsac, LLC is the sole managing member of Plaintiff and is a Florida limited liability company. Upon information and belief, none of the members of Ortsac, LLC are citizens of New Jersey.

8. Defendant Nashville Acquisition, LLC is a Delaware limited liability company with a principal place of business located at 14 Sylvan Way, Suite A, Parsippany, New Jersey, 07054.

9. Lincoln Technical Institute, Inc. owns and operates and is the sole member of Nashville Acquisition, LLC. Lincoln Technical Institute, Inc. is a New Jersey Corporation with a principal place of business located at 14 Sylvan Way, Suite A, Parsippany, New Jersey, 07054.

10. Defendant, Lincoln Educational Services Corp. is a New Jersey corporation with a principle place of business located at 14 Sylvan Way, Suite A, Parsippany, New Jersey, 07054.

11. This dispute is between citizens of different States, namely Florida and New Jersey, and the amount in dispute between the parties involves a claim of damages by Plaintiff in excess

of \$75,000, exclusive of interest and costs; therefore, it meets the jurisdictional requirements of this Court pursuant to 28 U.S.C. § 1332(a).

12. Venue is correct herein because Plaintiff's action is pending in the Chancery Court for the State of Tennessee-Twentieth Judicial District at Nashville, Tennessee.

13. Plaintiff originally filed this action on February 22, 2024 in the Chancery Court for the State of Tennessee-Twentieth Judicial District, and it has been pending for less than one year.

14. Counsel for Defendants has served on Plaintiff a Notice of Removal. Copies of the Notice of Removal have been filed in the Chancery Court for the State of Tennessee-Twentieth Judicial District within 30 days of service of the Summons and Complaint on Defendants.

**WHEREFORE**, please take notice that Defendants, Nashville Acquisition, LLC and Lincoln Educational Services Corp. (collectively, the "Defendants") remove this state action styled East Nashville, LLC vs. Nashville Acquisition, LLC et al. under Case Number 24-0213-III, from the Chancery Court for the State of Tennessee-Twentieth Judicial District Tennessee, where it is now pending, to the United States District Court for the Middle District of Tennessee Nashville Division on this 22nd day of March, 2024.

Respectfully submitted this 22<sup>nd</sup> day of March 2024.

**DICKINSON WRIGHT PLLC**

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*Attorney for Defendants*

### **CERTIFICATE OF SERVICE**

I hereby certify that on March 22, 2024 a true and accurate copy of the foregoing, Defendants Nashville Acquisition, LLC's and Lincoln Educational Services Corp.'s *NOTICE OF REMOVAL* has been served on the below-listed counsel for Plaintiff via e-mail and U.S. Mail, postage prepaid:

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